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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,092	06/21/2001	Renato Caretta	07040.0089	3921

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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EXAMINER

FISCHER, JUSTIN R

ART UNIT PAPER NUMBER

1733

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 09/885,092	Applicant(s) CARETTA ET AL.	
	Examiner Justin R Fischer	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-63, 65 and 67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12022003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-58 are cancelled per Amendment on December 30, 2003. Newly submitted claims 59-73 have been added.

Priority

2. Acknowledgement is made of a claim for domestic priority under 35 U.S.C § 119(e).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 59-63, 65, and 67 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickinson (US 1,728,957, of record). As set forth in Paper Number 7, Paragraph 3, Dickinson discloses a method of manufacturing a carcass structure for vehicle tires comprising the steps of depositing a plurality of elongated sections or strips extending in a U-shaped configuration on a mandrel (toroidal support) to define two side portions and one crown portion and applying annular reinforcing structures (beads) to a region close to the inner circumferential edges of said carcass, wherein each of said elongated sections are disposed angularly of the axis of the toroidal support (analogous to being laid down in a plane "parallelly offset relative to a meridian plane of the toroidal support).

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It is initially noted that the language "parallelly offset" is used to describe a plane that is substantially parallel to the meridian plane P or does not converge on the geometric axis of the toroidal support at the intersection between the equatorial plane X-X and the geometric axis. It is clearly evident from Figure 2 of Dickinson that the respective cord reinforced strips are angularly disposed in relation to the meridian plane of the toroidal support. In this instance, the deposition plane of each of the strips of Dickinson does not converge on the geometric axis of the toroidal support and as such, the respective strips are seen to constitute being "parallelly offset" relative to a meridian plane of the toroidal support.

As to claim 61, the elongated sections or strips of Dickinson pass through the transition regions (shoulder regions), such that the respective side portions are disposed at an inclination angle with respect to the reference plane.

Regarding claims 62 and 63, Dickinson describes the arrangement of a first layer and a second layer, wherein each of the layers is formed by the deposition of elongated sections or strips. The reference further teaches that the second layer is angularly disposed of the first layer, such that a crossed orientation is formed.

With respect to claims 60 and 65, Dickinson teaches that the elongated sections or strips, which contain parallel thread elements covered by rubber, are positioned side by side in lateral abutting relation. This description is seen to constitute "a circumferential pitch corresponding to a multiple of a width of the elongated section" since this language does not positively require any spacing between adjacent sections

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or strips of the first layer. This is different from claim 64 in which the circumferential pitch is defined as at least twice the width of the elongated sections.

Regarding claim 67, the method of Dickinson comprises the arrangement of a bead against the elongated sections or strips of the first carcass ply (first layer) and the subsequent arrangement of a second carcass ply (second layer) formed of elongated sections or strips. As clearly depicted in Figure 42, the elongated sections or strips that define the second carcass ply 467 are arranged in a down configuration, such that the elongated sections of the first and second layer are arranged on axially opposite sides of the bead. It is noted that the beads of Dickinson are being viewed as a first primary portion of the annular reinforcing structure.

Allowable Subject Matter

5. Claims 64, 66, and 68-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for indicating allowable subject matter have been previously set forth in Paper Number 7, Paragraph 4.

Response to Arguments

6. Applicant's arguments filed December 30, 2003 have been fully considered but they are not persuasive. Applicant contends that Dickinson fails to teach the arrangement of elongated sections "in a plane parallelly offset relative to a meridian plane of the toroidal support". As set forth in the rejection above and acknowledged by applicant in the Amendment dated December 30, 2004, the language "parallelly offset"

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is defined as being substantially parallel to the meridian plane P or not converging on the geometric axis of the toroidal support. Applicant correctly states that Dickinson teaches the angular deposition of elongated sections or strips on a toroidal support, as best depicted in Figure 2. It is clear from this figure that the deposition planes of the respective elongated sections or strips do not converge on the geometric axis of the toroidal support. As such, the construction of Dickinson is seen to include the deposition of elongated sections or strips in a plane parallelly offset relative to a meridian plane of the toroidal support.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

February 18, 2004


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300